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SENSITIVE
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DEPARTMENT FOR AF, AF/W, AF/RSA, DRL, AND INR/AA

E.O. 12958: N/A

TAGS: [NI](#) [PGOV](#) [PHUM](#) [PINR](#) [PREL](#) [SOCI](#)

SUBJECT: SUPREME COURT REINSTATES SOLUDO

REF: A. A. LAGOS 472

[1](#)B. B. LAGOS 450

[1](#)C. C. LAGOS 449 AND PREVIOUS

SUMMARY

[1](#)1. (SBU) After several legal setbacks, People's Democratic Party (PDP) candidate, Charles Soludo received Supreme Court approval December 17 to participate in the February 6, 2010, gubernatorial election in Anambra State. The PDP is therefore very much back in the fray, and the potential for electoral malfeasance is increased. End Summary

PDP BATTLES IN THE COURTS

[1](#)2. (SBU) Soludo's first legal battle began on October 23 when an Abuja High Court upheld the application of two, rival PDP gubernatorial aspirants, seeking an interim order to restrain Soludo from further projecting himself as PDP gubernatorial candidate on grounds that his selection violated the party's constitution. The Abuja High Court later ruled that it lacked the jurisdiction to rule on a matter of internal party politics and reinstated Soludo November 16.

[1](#)3. (SBU) Dissatisfied, the two aspirants took their grievance to the Court of Appeal. The Court of Appeal ruled December 1 that Soludo should suspend his campaign in Anambra and ordered the Independent National Election Commission (INEC) to refrain from recognizing him as the PDP gubernatorial candidate. Soludo launched his campaign December 3 despite the Court of Appeals' order and immediately filed an appeal at the Supreme Court, challenging the Court of Appeals' jurisdiction in this matter. The Court of Appeal on December 16 ordered Soludo to stand down as a candidate until the court had finally determined the appeal filed by the aggrieved, rival PDP gubernatorial aspirants.

SOLUDO BACK IN THE RACE

[1](#)4. (SBU) The Supreme Court on December 17 unanimously reversed the order by the Court of Appeal, determining that the issue of jurisdiction was yet to be resolved and a court without jurisdiction could not make a valid order. Furthermore, the Supreme Court noted that the Court of Appeal went too far when it ordered Soludo to stop presenting himself as the PDP gubernatorial candidate when the case

filed by the two aggrieved gubernatorial aspirants had not been determined on its merit. The Supreme Court ordered INEC to confer on Soludo all the rights and privileges afforded to other candidates participating in the Anambra gubernatorial election.

15. (SBU) Civil Society activist Emeka Umuegbalasi hailed the Supreme Court ruling, describing it as a victory for the rule of law. Umuegbalasi told PolSpecialist the onus is now on INEC to conduct a free and fair election and provide a level playing field for all the candidates. Afam Ilunoh, leader of a PDP faction that initiated the court case against Soludo told PolSpecialist that his faction will abide by the court judgment. He declined to comment on whether his faction will support Soludo in his bid to win the gubernatorial election in Anambra State.

16. (SBU) Senate Housing and Urban Development Committee Chairperson Senator Ikechukwu Obiorah, who described himself as rival of Soludo for the gubernatorial nomination, told PolCouns December 12 that he had decided to support Soludo in the race. Even before Soludo's reinstatement five days later, he predicted that Soludo would not only win a fair election in Anambra, but would support poverty alleviation as among his priorities as governor.

COMMENT

17. (SBU) Despite Soludo's reinstatement, that the PDP, with
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all its resources and other inherent advantages as the national ruling party, will be hard pressed overcome the divisions and bitterness resulting from Soludo's controversial designation as PDP candidate. In contrast to Senator Obiorah's views, many PDP followers in Anambra view Soludo's selection as an unwarranted imposition by party officials in the national capital. Given the high stakes involved in a gubernatorial election and INEC's history of favoring PDP candidates, the prospects for electoral malfeasance in Anambra have just gone up.

18. (U) ConGen Lagos has coordinated this telegram with Embassy Abuja.
BLAIR